

Application No. 10/612,751  
Amendment dated: August 1, 2005  
Reply to Office Action of June 2, 2005

129560

### REMARKS/ARGUMENTS

In the Office Action dated June 2, 2005, the Examiner rejected claims 31-34. In this response, the Applicants request that the claims 31 and 32 be amended, and new claims 35-40 be added. The new claims are supported by the specification, such as for example, paragraph 25 for claims 35 and 36, paragraph 17 for claim 37, paragraph 19 for claim 38, paragraph 20 for claim 39, and paragraph 24 for claim 40. No new matter has been added. Claims 31-40 are pending in this application.

#### Claim Rejections under 35 USC 102

The Examiner rejected claims 31-34 under 35 USC 102(b) as being anticipated by US 4983437, claims 32-34 under 35 USC 102(b) as being anticipated by US 4556968, US 5787069, US 5912875, and US 5935673, and claims 32-34 under 35 USC 102(e) as being anticipated by US 6463026 and US 2003/0218971. The Applicants courteously traverse these rejections.

For a reference to be anticipatory, each and every element of Applicants' instant claim must be present in a single reference. The Examiner states that the '437 reference discloses an optical recording medium having a removable protective layer thereon (column 2, lines 50-52) where the protective layer may include a colorant for UV protection (column 3). The Examiner states that the abstracts of the other four patent references disclose a removable plastic protective layer for an optical recording medium. The '437 reference discloses that the polymer layer can be color coated, and further that an additional transparent and optionally color coated layer can be provided for UV protection. However, the reference does not disclose Applicants' amended claim, which is directed to a protected light sensitive optical article prepared by a method, which comprises a first step (A), which comprises obtaining a plastic protective film having two film surfaces, said film comprising at least one light absorbing compound admixed therewith, said at least one light absorbing compound being capable of absorbing radiation having wavelength in a range between about 250 nanometers and about 420 nanometers, said at least one light absorbing compound being selected from the group

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consisting of UV-Visible absorbers and yellow dyes; and a second step selected from the group consisting of Step (B) contacting one of said film surfaces with the optical article to be protected thereby providing an optical article in contact with a removable protective film; and Step (C) forming an enclosure comprising said protective film and inserting the optical article to be protected therein. Likewise, the reference does not disclose the Applicants' amended claim, which is directed to a protective light sensitive optical article comprising (a) a light sensitive optical device; and (b) a removable plastic protective layer; wherein the removable plastic protective layer comprises a plastic protective film, said film comprising at least one light absorbing compound admixed therewith, said at least one light absorbing compound being capable of absorbing radiation having wavelength in a range between about 250 nanometers and about 420 nanometers, said at least one light absorbing compound being selected from the group consisting of UV-Visible absorbers and yellow dyes. Admixture of the light absorbing compound can be done by compounding techniques, as described in paragraph 16 of the Specification.

The '968, '069, '875, '673, '026, and US 2003/0218971 references disclose removable protective films, but do not disclose optical articles comprising a plastic protective film, which comprises at least one light absorbing compound admixed therewith, said at least one light absorbing compound being selected from the group consisting of UV-Visible absorbers and yellow dyes. Further, the '026 reference discloses a removable and reusable writeable or printable label which is made of a substantially opaque material without any mention of a light absorbing compound described above.

In view of the above, the Applicants request the Examiner to kindly remove the rejections under 35 USC 102(b) and 35 USC 102(e)

Claim Rejections under 35 USC 103

The Examiner rejected claim 31 under 35 USC 103(a) as being unpatentable over all of the references cited above under the 35 USC (102) rejections and US 6319581 or US 6475589. The Applicants courteously traverse these rejections.

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As explained in the Applicants' response to the Examiner's 102 rejections, the Applicants' instant invention in the amended claim is directed, to a protected light sensitive optical article prepared by a method, which comprises, *inter alia*, a first step (A), which comprises obtaining a plastic protective film having two film surfaces, said film comprising at least one light absorbing compound admixed therewith, said at least one light absorbing compound being capable of absorbing radiation having wavelength in a range between about 250 nanometers and about 420 nanometers, said at least one light absorbing compound being selected from the group consisting of UV-Visible absorbers and yellow dyes. Likewise, the reference does not disclose the Applicants' other amended claim, which is directed to a protective light sensitive optical article comprising *inter alia*, a removable plastic protective layer; wherein the removable plastic protective layer comprises a film comprising at least one light absorbing compound admixed therewith, said at least one light absorbing compound being capable of absorbing radiation having wavelength in a range between about 250 nanometers and about 420 nanometers, said at least one light absorbing compound being selected from the group consisting of UV-Visible absorbers and yellow dyes. Admixture of the light absorbing compound can be done by compounding techniques, as described in paragraph 16 of the Specification. The '581 reference discloses a light absorbing layer, such as a pigment or a dye, that is formed on the surface of the light-transmissive substrate to protect the coloring matter in the recording layer from photo-degradation by incidence of light having wavelength from 450 nanometers to 600 nanometers (Column 7, lines 53-54; column 8, lines 25-28). There appears to be no suggestion or motivation in the reference that a yellow dye or a UV-visible absorber can be admixed in a plastic film substrate to produce the removable plastic protective layer that is capable of protecting an optical article from degradation due to exposure to radiation having wavelength between about 250 – 420 nanometers.

The '589 reference discloses a colored optical disc having better aesthetics. There is no disclosure of using a UV-visible absorber or a yellow dye. One of skill in the art would not be motivated to use the teachings of the '589 reference which discloses coloring matter suitable for improved aesthetics to arrive at the plastic protective layer


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which forms part of Applicants' instant invention of a protected light sensitive optical article.

In light of the foregoing, reconsideration and prompt allowance of claims 31-34, and new claims 35-40 is courteously requested. Should the need arise, the Examiner is respectfully requested to contact the Applicants' representative at the telephone number listed below.

Respectfully submitted,

  
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